



DECLARATION AND POWER OF ATTORNEY

Docket No.: 206.1004US

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR NON-INVASIVE MEASUREMENT OF BLOOD CONSTITUENTS

the specification of which (check one)

☐ is attached hereto

☐ was filed on _____ as Application Serial No. _____ and was amended on _____

☐ I hereby authorize and request our attorneys, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, New York, New York 10018 to insert here in parentheses (application number _____, filed _____) the filing date and application number of said application when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign and/or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign and/or provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| | | | |
|------------|---------|----------------------|---|
| 60/409,663 | USA | 10 September 2002 | Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Number | Country | Day/Month/Year Filed | |
| | | | Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Number | Country | Day/Month/Year Filed | |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|---------------------------|----------------------|--------|
| Application Serial Number | Day/Month/Year Filed | Status |
| | | |
| Application Serial Number | Day/Month/Year Filed | Status |
| | | |

And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 36,561, William C. Gehris, Reg. No. 38,156, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Erik R. Swanson, Reg. No. 40,833, Thomas P. Canty, Reg. No. 44,586, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; correspondence address: DAVIDSON, DAVIDSON & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|-------------------------------------|--|
| Full name of sole or first inventor | Emil W. CIURCZAK |
| Inventor's signature | |
| Date | |
| Residence | Goldens Bridge, NY |
| Post Office Address | 77 Park Road, Goldens Bridge, NY 10526 |
| Citizenship | USA |

| | |
|----------------------------------|--|
| Full name of additional inventor | Gary RITCHIE |
| Inventor's signature | <i>Gary Ritchie</i> |
| Date | 2/05/04 |
| Residence | Kent, Connecticut |
| Post Office Address | 16 Elizabeth Street, Apartment #10 Kent, Connecticut 06757 |
| Citizenship | USA |

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Docket No.:206.1004US

I, the below named inventor, I hereby declare that:

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I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: APPARATUS AND METHOD FOR NON-INVASIVE MEASUREMENT OF BLOOD CONSTITUENTS, the specification of which (check one)

☐ is attached hereto

☐ was filed on _____ as Application Serial No. _____ and was amended on _____

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|-------------------------------------|--|
| Full name of sole or first inventor | Emil W. CIURCZAK |
| Inventor's signature | <i>Emil W. Ciurczak</i> |
| Date | 3/2/05 |
| Residence | Goldens Bridge, NY |
| Post Office Address | 77 Park Road, Goldens Bridge, NY 10526 |
| Citizenship | USA |

| | |
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| Full name of additional inventor | Gary RITCHIE |
| Inventor's signature | |
| Date | |
| Residence | Kent, Connecticut |
| Post Office Address | 16 Elizabeth Street, Apartment #10 Kent, Connecticut 06757 |
| Citizenship | USA |

☐ Additional inventors named on attached sheet(s).